

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 303 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

MAHAVIR MAHILA GRAHAK SAHAKARIBHANDAR LTD.

Versus

STATE OF GUJARAT

Appearance:

MR PR NANAVATI for Petitioner
MR KT DAVE, AGP for Respondent No. 1, 2, 3, 4
MR RM CHHAYA for Respondent No. 5

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 26/09/2000

ORAL JUDGEMENT

The petitioner was granted fair price shop authorization for Chandlodiy area. The authorization was given by the concerned authority on 22.10.1997. Thereafter the petitioner applied for permission to keep non-ration articles in the fair price shop and the permission was granted on 26.4.1999. In the meantime, the grant of authorization in favour of the petitioner

came to be challenged. The State Government passed the impugned dated 23.12.1999 cancelling the authorization in favour of the petitioner on the ground that the Chandlodiya area was not within the jurisdictional limits of the petitioner society and that the same was subsequently added by the District Registrar of the Co-operative Societies. The petitioner has challenged the said order.

2. When the petition came up for hearing, this Court passed the following order after hearing the learned counsel for the parties :-

"Respondent Nos. 1 to 4 may try to explore the possibility if the petitioner (Mahavir Mahila Grahak Sahakari Bhandar Ltd.) as well as respondent No. 5 (Adya Shakti Grahak Mahila Sahakari Mandali) both can be accommodated."

3. In view of the aforesaid direction, the State Government has examined the matter and by their letter dated 7.8.2000 addressed to the learned Govt. Pleader, the Government appears to have taken the view that looking to the norms and the population in Chandlodiya area, it is possible to have 5 shops for the Chandlodiya area and that the necessary steps may be taken as per the prevailing norms. The said letter is taken on record.

4. Mr PR Nanavati, learned counsel for the petitioner states that at present there are only 4 fair price shops for the Chandlodiya area including the one run by respondent No. 5 and, therefore, the 5th fair price shop is now available as per the aforesaid view expressed by the State Government in its letter dated 7.8.2000.

Mr Nanavati further states that now that the petitioner society's area includes Chandlodiya also, the petitioner's case is required to be considered for authorization for the 5th fair price shop for Chandlodiya area.

5. In view of the above, it appears to the Court that the interests of justice would be served if this petition is disposed of with liberty to the petitioner to make a representation to the State Government in light of the aforesaid letter dated 7.8.2000.

6. Subject to the aforesaid observation and liberty, Rule is discharged. There shall be no order as to costs.

Liberty to apply in case of difficulty.

September 26, 2000 (M.S. Shah, J.)
sundar/-